



DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Community Advocacy

Frank H. Murkowski, Governor
William C. Noll, Commissioner
Michael Black, Director

MEMORANDUM

DATE: February 10, 2006

TO: Thede Tobish, Coastal District Coordinator, Municipality of Anchorage

CC: Jackie Brock, Coastal Resource Specialist, Alaska Coastal Management Program

THROUGH: Peter McKay, Planner IV

FROM: Sally Russell Cox, Planner III

SUBJECT: Division of Community Advocacy's Comments on the Concept-Approval Draft of the Municipality of Anchorage Coastal Management Plan

Thank you for giving the Division of Community Advocacy the opportunity to review the Concept-Approval Draft of the Municipality of Anchorage (MOA) Coastal Management Plan (CMP). We appreciate the significant time and effort the Municipality has put into amending its district plan. The Division has reviewed the plan and has provided comments relating to overall plan completeness, and to the following required plan elements:

- Organization
- Subject uses, activities, and designations
- Proper and improper uses and activities
- Implementation
- Public participation

We hope that the following comments will assist the MOA in preparing its Final Draft Plan Amendment, and ultimately, in achieving a fully approvable amended district plan.

I. OVERALL COMPLETENESS OF PLAN

Preliminary Information

	Plan Element	Location in Plan
<input checked="" type="checkbox"/>	Cover Page	
<input checked="" type="checkbox"/>	Title Page	CMP
<input checked="" type="checkbox"/>	Table of Contents	CMP pp. i-iv
<input checked="" type="checkbox"/>	List of Tables	CMP pp. iii
<input checked="" type="checkbox"/>	List of Maps	
<input checked="" type="checkbox"/>	List of Appendices	CMP p. iv
<input type="checkbox"/>	Acknowledgements	
<input checked="" type="checkbox"/>	Logos, art, and other symbols	

Introduction Chapter (OPTIONAL)

	Plan Element	Location in Plan
<input checked="" type="checkbox"/>	Community Information (OPTIONAL)	4.0 Chapter Four, Resource Inventory and Analysis, 4.1.2 Socioeconomic Setting, p. 10.
<input checked="" type="checkbox"/>	History (OPTIONAL)	Addressed briefly in 4.0 Chapter Four, Resource Inventory and Analysis, 4.1.3 Land use, Historical and Cultural Features, p. 13.
<input checked="" type="checkbox"/>	ACMP/ CZMA Planning Requirements (OPTIONAL)	
<input checked="" type="checkbox"/>	Organization of the Document (OPTIONAL)	1.0 Chapter One, Section 1.1 Plan Organization, p. 1

Ten Required Elements of a District Plan

	Plan Element	Location in Plan
<input checked="" type="checkbox"/>	Boundary	2.0 Chapter Two, Boundary and Designation, 2.1 Anchorage Boundary, pp. 3-4.
<input checked="" type="checkbox"/>	Resource Inventory	4.0 Chapter Four, Resource Inventory and Analysis, 4.1 Resource Inventory, pp. 9-29.
<input checked="" type="checkbox"/>	Resource Analysis	4.0 Chapter Four, Resource Inventory and Analysis, 4.2, coastal Resource Analysis pp. 29-36.
<input checked="" type="checkbox"/>	Issues, Goals, and Objectives	3.0 Chapter Three, Issues, Goals and Objectives, pp. 5-8.
<input checked="" type="checkbox"/>	Enforceable Policies (Designated Areas and DEPs)	5.0 Chapter Five, Enforceable Policies, pp.37-40; also Appendix A, Enforceable Policies.
<input checked="" type="checkbox"/>	Subject Uses	4.0, Chapter Four, Resource Inventory and Analysis, 4.1.7 Subject Uses, Activities, and Designations; also 6.0 Chapter Six, Implementation, 6.3.2 Subject Uses, p. 41
<input checked="" type="checkbox"/>	Proper and Improper Uses	6.0 Chapter Six, Implementation, 6.3.3 Proper and Improper Uses, p. 42.
<input checked="" type="checkbox"/>	Organization	6.0 Chapter Six, Implementation, 6.2 Coastal Management Program Participant Duties and Responsibilities, p. 41.
<input checked="" type="checkbox"/>	Implementation	6.0 Chapter Six, Implementation, pp. 41-48.
<input type="checkbox"/>	Public Participation	No section within plan that specifically addresses public participation. 6.0 Chapter Six, Implementation, Section 6.8, Amendments, briefly discusses the local involvement in a proposed five year review of the approved coastal program. 6.6.4 Public Hearing During a State-Coordinated Consistency Review discusses the ability of persons or affected parties to request that a coordinating agency hold a public hearing on a project or activity undergoing a consistency determination.

Findings:

The Municipality of Anchorage Coastal Management Plan (MOA CMP) contains nine of the ten required elements of a coastal district plan. DCA finds that the MOA CMP will meet the requirements of the regulations with the following required changes to the CMP.

Required Changes:

Provide a section in the plan which documents an effective and significant opportunity for public participation in district plan development under 11 AAC 114.290.Public Participation. This requirement is addressed more thoroughly in Section VI. Public Participation of this memo.

Suggested Changes:

None

II. ORGANIZATION

The organization element of the MOA CMP is addressed in 6.0 Chapter Six, Implementation, 6.2 Coastal Management Program Participant Duties and Responsibilities.

The requirements of **11 AAC 114.210.Organization** are addressed as follows:

Description of the organizational structure of the district and state whether the district is a coastal resource service area or a municipality.

This requirement is addressed in Section 6.2.

Identify and give addresses for the officials or departments within the district that are assigned to
(1) determine, for the purposes of issuing a municipal authorization or permit, the consistency of
proposed uses and activities with the approved district plan;
(2) submit comments to the state under 11 AAC 110.

This requirement is addressed in Section 6.2.

Findings:

DCA finds that the organization element of the MOA CMP meets the requirements of 11 AAC 114.210.Organization.

Required Changes to the PRD:

None

Suggested Changes to the PRD:

None

III. SUBJECT USES, ACTIVITIES, AND DESIGNATIONS.

The subject uses, activities, and designations element of the MOA CMP is addressed in 4.0, Chapter Four, Resource Inventory and Analysis, 4.1.7 Subject Uses, Activities, and Designations, page 17, and in 6.0 Chapter Six, Implementation, 6.3.2 Subject Uses, page 41.

The requirements of **11 AAC 114.250. Subject uses, activities, and designations** are addressed as follows:

A district plan must include a description of the land and water uses and activities that are subject to the district plan. The uses and activities subject to a district plan are limited to those included in 11 AAC 112.200 – 11 AAC 112.240, 11 AAC 112.260 – 11 AAC 112.280, and (b) - (i) of this section.

Findings:

DCA finds that the subject uses, activities, and designations element of the MOA CMP meets the requirements of 11 AAC 114.250.

Required Changes to the PRD:

None

Suggested Changes to the PRD:

None

IV. PROPER AND IMPROPER USES AND ACTIVITIES
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The proper and improper uses and activities element of the MOA CMP is addressed in 6.0 Chapter Six, Implementation, 6.3.3 Proper and Improper Uses, page 42.

The requirements of **11 AAC 114.260. Proper and improper uses and activities** are addressed as follows:

A district plan must describe the uses and activities, including uses of state concern, that will be considered proper, and the uses and activities, including uses of state concern, that will be considered improper, within the district's coastal zone, including land and water use designations. This description must be based on the district's statement of issues, goals, and objectives under 11 AAC 114.200 and must be consistent with the statewide standards set out in 11 AAC 112.

Findings:

DCA finds the proper and improper uses and activities element of the MOA CMP meets the requirements of 11 AAC 114.260.

Required Changes to the PRD:

None

Suggested Changes to the PRD:

None

V. IMPLEMENTATION

The implementation element of the MOA CMP is addressed in 6.0 Chapter Six, Implementation, pages 41-48. The requirements of **11 AAC 114.280.Implementation** are addressed as follows:

Description and adequacy of the methods and authorities used to implement, monitor, and enforce the district plan:

This requirement is addressed in Chapter Six.

Description of implementation responsibilities of cities within coastal resource service areas and boroughs:

Not applicable.

Description of the planning, implementation, and enforcement relationship between the coastal district and the cities or villages inside the district:

This requirement is addressed in Chapter Six.

Description of how the district plan addresses consistency reviews, any municipal appeals, planning and plan revisions, applicable municipal land use regulations, and review of applicable municipal land use regulations for consistency with the district plan:

This requirement is addressed in Chapter Six.

Findings:

DCA finds that the implementation element of the MOA CMP meets the requirements of 11 AAC 114.280.

Required Changes to the PRD:

None

Suggested Changes to the PRD:

None

VI. PUBLIC PARTICIPATION

There is no clearly defined public participation element within the MOA CMP. 6.0 Chapter Six, Implementation, Section 6.8, Amendments, briefly discusses local involvement in a proposed five year review of the approved coastal program. 6.6.4 Public Hearing During a State-Coordinated Consistency Review discusses the ability of a person or affected parties to request that a coordinating agency hold a public hearing on a project or activity undergoing a consistency determination.

The requirements of *11 AAC 114.290.Public Participation* are addressed as follows:

Documentation of an effective and significant opportunity for public participation in district plan development under this chapter.

The MOA CMP does not provide **documentation** of an effective and significant opportunity for public participation in district plan development under 11 AAC 114.290, however the district is providing adequate opportunities for public participation. A public notice on the public hearing to be held by the Municipal Planning and Zoning Commission on February 13, 2006 was published in the Anchorage Daily News on January 17, 2006. A public notice inviting public comment on the Concept Approval Draft of the MOA CMP was released by the MOA on January 20, 2006. The MOA CMP is posted on the Internet at the ACMP website as well as the MOA website. These opportunities for public participation in the development of the district plan amendment should be documented within the CMP.

Documentation of public participation (narrative, table, outline, etc.)

As stated above, there is no section within the CMP that documents public participation, particularly as it relates to the current plan amendment process.

Significant and effective opportunities for public involvement

The current, 21-day public review and comment period, the public hearing by the Municipal Planning Commission on February 13, 2006 and the distribution of the CMP to publicly-accessible locations provides significant and effective opportunities for public involvement. This should be documented in the CMP.

Opportunities for participation by a city or village within a CRSA

Not applicable.

Participation by state and federal agencies

State and federal agencies are included in the public review and comment distribution list for the MOA CMP. This should be documented in the CMP.

Findings:

The MOA CMP currently does not meet the requirements of 11 AAC 114.290 because the opportunity for public participation in district plan development has not been documented within the CMP. The CMP will meet the requirements of 11 AAC 114.290 once documentation is provided.

Required Changes to the PRD:

As part of the required public participation element of the MOA CMP, documentation should be provided of the public review and comment process, including the public hearing held by the MOA Planning Commission.

Suggested Changes to the PRD:

None.